

Exhibit E

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Zachary Adamson,

Plaintiff,

Hon. Hugh B. Scott

v.

1:1CV663A

Scheduling Order

City of Buffalo et al.,

Defendant.

Pursuant to the order of the Hon. Richard J. Arcara, this case was referred to the undersigned for pretrial procedures and the entry of a scheduling order as provided in Rule 16(b) of the Federal Rules of Civil Procedure and Rule 16.1(a) of the Local Rules of Civil Procedure for the Western District of New York. A scheduling conference having been held with counsel, it is ORDERED THAT:

1. All motions to join other parties and to amend the pleadings shall be filed on or before November 4, 2011.
2. This case has been referred automatically to the Alternative Dispute Resolution (ADR) program. The ADR Plan and related forms and information are available at www.nywd.uscourts.gov and the Court Clerk's Office.
3. Within thirty (30) days of the entry of this Order, the parties shall confer and select a mediator, confirm that the mediator is available, ensure that the mediator does not have a conflict with any of the parties in the case, identify a date and time for the initial mediation session, and file a stipulation confirming their selection on the form provided by the Court. If the parties fail to so stipulate, the Court shall appoint an ADR neutral.
4. Any motions to opt out of the ADR process shall be filed within ten (10)

business days of the entry of this Order.

5. The initial mediation session shall be held no later than **December 21, 2011** (or within 75 days after the scheduling conference).
6. The referral to mediation shall terminate on **October 31, 2012**. In the event that settlement is not reached, the case will progress toward trial, as scheduled below.
7. **The referral of this case to mediation will not delay or defer other dates contained in this Scheduling Order and has no effect on the progress of the case toward trial.**
8. All discovery in this case shall conclude on **May 31, 2012**. All motions to compel shall be due at least **30 days** prior to that discovery cutoff date.
9. The plaintiff shall identify experts and provide written reports in compliance with Rule 26(a)(2), as amended in 1993, no later than **April 2, 2012**; the defendant shall identify experts and provide written reports in compliance with Rule 26(a)(2), as amended in 1993, no later than **May 15, 2012**. See Rule 26 of the Local Rules for the Western District of New York as amended effective December 1, 1994. All expert discovery shall be completed on or before **May 31, 2012**.
10. In the event settlement is not effectuated through mediation, dispositive motions, if any, shall be filed no later than **August 31, 2012**. **If no dispositive motions are filed, and no other motions are pending as of that date, the parties are directed to contact the Chambers of Hon. Richard J. Arcara within 10 days to request a trial date status conference**
11. No extension of the above cutoff dates will be granted except upon written joint motion, filed prior to the cutoff date, showing good cause for the extension.

Counsel's attention is directed to Fed. R. Civ. P. Rule 16(f) calling for sanctions in the event of failure to comply with any direction of this Court.

So Ordered.

/s/ Hugh B. Scott
United States Magistrate Judge
Western District of New York

Buffalo, New York
October 7, 2011